

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

RIBEIRO TRELHA GUSTAVO,
Defendant.

NO. CR17-190-RSL

**PRELIMINARY ORDER
OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture (the "Motion") seeking to forfeit to the United States the interest of the Defendant, Ribeiro Trelha Gustavo, in the following property:

1. One (1) Lenovo Laptop Computer, Serial #YD01VU2Y;
2. One (1) my Passport Hard Drive, Serial #WX21A17E0L4K;
3. One (1) my Passport Ultra Hard Drive, no serial number;
4. One (1) my Passport Hard Drive, Serial #WXE1A17JN0XZ;
5. Three (3) SanDisk SD memory cards, no serial numbers; and
6. One (1) Apple iPhone 7, no serial number.

1 The Court, having reviewed the papers and pleadings filed in this matter, including
2 the Motion, hereby FINDS that entry of a Preliminary Order of Forfeiture is appropriate
3 because

- 4 • The above-identified property is subject to forfeiture to the United States,
5 pursuant to 18 U.S.C. § 1029(c)(1)(C), as property used or intended to be
6 used to commit the offense of Access Device Fraud in violation of 18 U.S.C.
7 § 1029(a)(3), and pursuant to 18 U.S.C. § 982(a)(2)(B) as property
8 constituting, or derived from, proceeds the Defendant obtained directly or
9 indirectly as the result of such offense; and
- 10 • The Defendant agreed, pursuant to the Plea Agreement he entered on
11 September 7, 2017, to forfeit the above-listed property to the United States
12 (Dkt. # 22 at ¶ 7).

13 NOW, THEREFORE, THE COURT ORDERS:

14 1) Pursuant to the Motion, the Plea Agreement, 18 U.S.C. §§ 982(a)(2)(B) and
15 1029(c)(1)(C), the Defendant's interest in the above-identified property is fully and
16 finally forfeited, in its entirety, to the United States.

17 2) Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A)-(B), this
18 Preliminary Order will become final as to the Defendant at the time he is sentenced; it
19 will be made part of the sentence; and, it will be included in the Judgment;

20 3) The United States Department of Homeland Security, the United States
21 Secret Service, and/or its authorized agents or representatives, shall maintain the above-
22 identified property in its custody and control until further order of this Court;

23 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
24 United States shall publish notice of this Preliminary Order and the United States' intent
25 to dispose of the property as permitted by governing law. The notice shall be posted on
26 an official government website—currently www.forfeiture.gov—for at least 30 days. For
27 any person known to have alleged an interest in the above-identified property, the

28 United States shall also, to the extent possible, provide direct written notice to that

1 person. The notice shall state that any person, other than the Defendant, who has or
2 claims a legal interest in the above-identified property must file a petition with the Court
3 within 60 days of the first day of publication of the notice (which is 30 days from the last
4 day of publication), or within 30 days of receipt of direct written notice, whichever is
5 earlier. The notice shall advise all interested persons that the petition:

6 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
7 interest in the property;

8 b. shall be signed by the petitioner under penalty of perjury; and

9 c. shall set forth the nature and extent of the petitioner's right, title, or interest
10 in the forfeited property, as well as any facts supporting the petitioner's
11 claim and the specific relief sought;

12 5) If no third-party petition is filed within the allowable time period, the
13 United States shall have clear title to the property, and this Preliminary Order shall
14 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

15 6) If a third-party petition is filed, upon a showing that discovery is necessary
16 to resolve factual issues presented by that petition, discovery may be conducted in
17 accordance with the Federal Rules of Civil Procedure before any hearing is conducted on
18 the petition. Following adjudication of any third-party petitions, the Court will enter a
19 Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),
20 reflecting that adjudication; and,

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